



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

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(603) 271-2900 FAX (603) 271-2456



January 3, 2003

CERTIFIED MAIL
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RETURN RECEIPT REQUESTED

NOTICE OF PAST VIOLATION

Tri-State Painting, Inc.
P.O. Box 1240
Tilton, NH 03276

Attn: Ms. Irene Pescinski, Owner

Re: Tri-State Painting, Inc.
Tilton, New Hampshire
EPA ID No. NHD 500008081

Dear Ms. Pescinski:

On December 05, 2002, the Department of Environmental Services, Waste Management Division (DES) conducted an inspection of Tri-State Painting, Inc. (Tri-State). The purpose of the inspection was to determine Tri-State's compliance status relative to RSA Ch. 147-A and the New Hampshire Hazardous Waste Rules, Env-Wm 100-1100.

As a result of the inspection and review of the information provided to DES, the following deficiencies were documented:

1 Env-Wm 504.02(d) – Generator Notification

Current DES notification records do not reflect the change in generator status from a full quantity generator (FQG) to a small quantity generator (SQG).

Env-Wm 504.02(d) requires that a generator shall notify DES in writing of any changes to the information required in Env-Wm 504.02(b), including generator status, within 30 days of the effective date of the change.

DES requests that Tri-State complete and submit a subsequent notification form in order to accurately reflect the change in generator status.

On December 9, 2002, DES received a subsequent notification form from Tri-State, reflecting a change in generator status. No further action is required.

2 Env-Wm 510.01(b) – Manifest Requirements

A review of Tri-State's manifest records indicates that Tri-State utilized manifests issued by the State of Massachusetts, to: 1) ship wastes on June 4, 2001, from Tilton, NH to a facility in Connecticut (manifest number MAQ023913); and 2) to ship wastes on December 14, 2001 from Tilton, NH to a facility in Ohio (manifest number MAQ134078).

Env-Wm 510.01(b) requires generators to obtain an EPA/DOT uniform hazardous waste manifest from the destination state. If the destination state does not require its use, then the manifest shall be obtained from DES.

DES requests that Tri-State use a manifest obtained from the destination state when shipping hazardous wastes. If the destination state does not require the use of its manifest, then the manifest must be obtained from DES.

No further action is required.

3. Env-Wm 510.02(d) – Manifest Distribution

At the time of the inspection, Tri-State had on file one (1) hazardous waste manifest (manifest number MAM879051), dated November 13, 2000, which had not been submitted to DES.

Env-Wm 510.02(d) requires that the generator retain one (1) copy of the manifest, give five (5) copies to the transporter, and forward one (1) copy to the destination state and one (1) copy to DES within five (5) days of shipment.

DES requests that Tri-State properly retain and distribute manifest copies for future shipments of hazardous waste.

DES acknowledges receipt of manifest number MAM879051, during the inspection. No further action is required.

4. Env-Wm 510.03 – Manifest Information

A review of Tri-State's hazardous waste manifests indicated the use of EPA ID number NHD500008081, on three (3) hazardous waste manifests, at pick-up locations other than the notified location of 612 West Main St., Tilton, NH (manifest numbers: CTF0980421, CTF1106763, and MAQ136677). Tri-State also failed to list the street address and city where the waste was picked up in manifest item B, on four (4) hazardous waste manifests (manifest numbers: MAM880329, MAM880412, MAQ023913, and MAM879051).

Env-Wm 510.03(a) requires manifests to contain all of the information required in the Appendix to 40 CFR Part 262, including the generator's EPA Identification Number. Env-Wm 510.03(b) requires manifest item B to contain the street address and city where the waste is being picked up. Please be aware that EPA Identification Numbers are site specific, as specified in Env-Wm 505.02(b)(1).

DES requests that Tri-State ensure that hazardous waste manifest information is correct and complete.

No further action is required.

DES believes the deficiencies identified during the inspection have been corrected and acknowledges receipt of documents that corroborate the corrective measures taken by Tri-State to achieve compliance. Accordingly, no further action in response to the listed deficiencies is required. However, DES personnel may re-inspect your facility at a later date to determine whether the facility is maintaining full compliance with the applicable rules. Fines may also be pursued for any or all violations observed during subsequent inspections of the facility.

Enclosed please find a completed copy of the Hazardous Waste Generator RCRA Inspection Checklist to assist you in assessing the noted violations. This checklist may also be of value to you for use in determining future compliance with the New Hampshire Hazardous Waste Rules.

The State of New Hampshire Hazardous Waste Rules, as well as much other useful information, can be obtained from DES's website at <http://www.des.state.nh/us/hwcs> or by contacting the Public Information Center at (603) 271-2975.

It is the goal of DES to promote the prevention of pollution at the source as the preferred option for meeting established environmental quality goals. We strive to ensure that pollution prevention options are considered first, followed by recycling, treatment and disposal. I am requesting that DES's Pollution Prevention Coordinator, Stephanie D'Agostino, contact you to discuss possibilities for waste minimization or source reduction at your facility. In the meantime, if you have immediate questions about pollution prevention, please feel free to contact her at 271-6398.

As a service to New Hampshire's hazardous waste generators, we maintain a Hazardous Waste Assistance Hotline, which is available for you to contact our knowledgeable staff of hazardous waste inspectors. Our hazardous waste staff is available to answer your questions concerning the New Hampshire Hazardous Waste Rules and the compliance issues which affect your hazardous waste management program. The technical assistance available through the Hotline includes fact sheets that pertain to the management and recycling of specific wastes, summary sheets on specific sections of the Hazardous Waste Rules, copies of EPA and New Hampshire hazardous waste policy or regulatory interpretation letters that may benefit your operation, and networks with other state or federal agencies to answer your questions on a national level. The hotline is available Monday through Friday, 8:00 AM to 4:00 PM at 271-2942.

If you believe that the deficiencies documented in this NOPV have been cited in error, or if you have any questions regarding this matter, please contact the lead inspector, Robert Bishop, Waste Management Specialist, or John J. Duclos, Supervisor of the Hazardous Waste Compliance Section, at 271-2942. Specific questions regarding water related issues may be directed to Sharon Ducharme of DES's Water Division at 271-3307, and for air related issues, please contact Pam Monroe of DES's Air Resources Division at 271-1370. Thank you for your cooperation.

Sincerely,



Kenneth W. Marschner, Administrator
Waste Management Programs
Waste Management Division

cc: DB/RCRA/NOPV/Archive
Philip J. O'Brien, Ph.D., P.G., Director, WMD
Gretchen Rule, Esq., DES Administrator, Legal Unit

E mail: JJD, SD, SD, PM

Enclosure: Hazardous Waste Generator RCRA Inspection Checklist